

INDEX

## INDEX

- Acker, Achille van, 57  
Adams, Charles C., cited, 80  
**Administration** of justice  
in Mexico through writ of amparo, 107-111  
treatment of accused persons  
as required in Magna Charta, 60  
in countries in which they are foreigners, 137  
in United States, 98  
rights of prisoners protected by writ of habeas corpus, 101-106  
Agia, Miguel de, 83  
Alberdi, Juan Bautista, 89  
**ALEGRÍA, CIRO**, Human Rights in Latin America, 87-95  
Alfaro, Ricardo J., 18  
Aliens, *see* Foreigners  
Ameer Ali, 81  
Aquinas, Thomas, 83  
Aristotle, 55  
Arnold, Thomas, cited, 78  
Arze, José Antonio, 92  
Augustine, Saint, 55  
Augustus (Roman Emperor), 54  
Avendaño, Diego, 83  
**AZCÁRATE, PABLO DE**, Protection of Minorities and Human Rights, 124-128
- Bahadur, Ahmad Khan, 81  
**BALDWIN, ROGER N.**, International Agreements Can Protect Specific Rights, 134-138  
Barakat, George M., 18  
Batista y Zaldívar, Fulgencio, 89  
Becker, Carl H., cited, 81  
**BELAÚNDE, VÍCTOR ANDRÉS**, Human Rights in the Cultural Tradition of Spanish America, 82-86  
Berle, Adolf A., Jr., cited, 116  
Beudant, Charles, cited, 55  
**Bills of rights**  
as protests against wrongs, 15, 33, 65, 96  
declaration of Franklin D. Roosevelt, 14-15  
Declaration of Independence, 12, 16, 56, 63-64, 139  
Declaration of the Rights of Man and of the Citizen, 12, 34, 56-57, 64, 139  
declaration of U. S. National Resources Planning Board, 14  
directed against governmental oppression, 60-61, 96, 97  
English Bill of Rights, 61  
international bill of rights  
being formulated by Inter-American Ju-  
ridical Committee, 141-143  
formulation of, by Commission on Hu-  
man Rights, 146
- proposed contents of, 13-16  
purposes and value of, 16-17  
Magna Charta, 60  
Petition of Right, 60-61  
United States Bill of Rights, 33, 96-97, 112  
weakness of, 57  
*See also* United Nations Charter  
Blum, Léon, cited, 56  
Bodin, Jean, 56  
Bolívar, Simón, 88  
**BONNET, HENRI**, Human Rights Are Basic to Success of United Nations, 6-7  
**BORCHARD, EDWIN**, Historical Background of International Protection of Human Rights, 112-117  
Borchard, Edwin, 114  
Braden, Spruille, 91, 95  
Bustamante y Rivero, José Luis, 91
- Calonder, Felix, 129  
Cano, Melchor, 83  
Cárdenas, Lázaro, 93  
**CHANG, CHUN-MAI CARSUN**, Political Structure in the Chinese Draft Constitution, 67-76  
Charles I of England, 61  
Charles II of England, 61, 102  
Chiang Kai-shek, 72, 76  
Churchill, Winston (Prime Minister), 90, 113  
Colonial peoples, *see* Dependent peoples  
Columbus, Christopher, 82  
Commission on Human Rights  
functions of, suggested, 145-147  
objectives of, 2, 144  
procedures of, suggested, 146-148  
structure of, suggested, 144  
studies to be made by, 145, 148-149  
urgency for, 2-3  
Confucius, 67  
Constitutional interpretation  
in China, 73-74  
in United States, 33-34, 62-63, 97-98  
Constitutional provisions for human rights,  
*see* Legal protection of human rights  
**CONTENT OF AN INTERNATIONAL BILL OF RIGHTS, THE**, Charles E. Merriam, 11-17  
Corbett, Percy E., 18  
Cortés, Hernán, 83  
Crawford, W. Rex, 82  
Cromwell, Oliver, 61  
Cruchaga Ossa, Alberto, 114
- del Vayo, Julio A., 18  
Democracy  
defined, 47-48  
does not admit of antidemocratic move-  
ments, 48-49

- necessary to human rights and to peace, 47, 57-58  
 progress toward, in Latin America, 89-91  
 world trend toward, 127
- Dependent peoples**  
 protection of  
   in mandated territories, 119-123  
   through international agreements, proposed, 136-137  
 provisions for, in United Nations Charter, 8-9
- Díaz, Porfirio, 89
- Dicey, Albert Venn, 106
- Dictatorship**  
 hostile to human rights, 47, 57-58, 92  
 in Latin America, 91-92
- Disraeli, Benjamin, 40
- DOWLING, NOEL T., Protection of Human Rights Under the United States Constitution, 96-100
- Dowling, Noel T., 18
- Dunedin (Lord; name, Andrew Graham Murray) cited, 102
- Durant, Kenneth, 18
- ECONOMIC RIGHTS IN THE UNITED NATIONS CHARTER**, H. V. Evatt, 4-5
- Education**  
 as a human right, 22-23, 40-41  
*See also* Illiteracy
- Edward I of England, 101
- ELLINGSTON, JOHN R., The Right to Work, 27-39
- Ellington, John R., 18
- Employment under satisfactory conditions, as a human right, 23-24, 41-43  
 basic to other rights, 5  
 governmental responsibility for, 32-36, 41-42  
 interest of business in, 31-32  
 international aspects of, 32  
 possibility of maintaining full employment, 36-39
- EVATT, H. V., Economic Rights in the United Nations Charter, 4-5
- Falcón, 83
- FENWICK, CHARLES G., Pan-American Action for Protection of Human Rights, 139-143
- Filangieri, Gaetano, 84
- FIVE ECONOMIC AND SOCIAL RIGHTS**, THE, C. Wilfred Jenks, 40-46
- Food**  
 government responsibility for supply and quality of, 43-44  
 lack of, in Latin America, 93
- Foreigners, protection of, 57  
 as affected by an international bill of rights, 142  
 in United States, 100
- through international agreements, 137  
 through international law, 114  
 under Roman law, 54
- Franco, Francisco, 90, 94
- Franklin, Benjamin, 6
- Freedom**, *see* Human rights
- FREEDOM IS UNSAFE WITHOUT SELF-GOVERNMENT**, Karl Loewenstein, 47-49
- Fulbright, J. William, cited, 116
- Garcés, Julian, 83
- Gasca, Pedro de la, 87
- George III of England, 35
- Gerig, Benjamin, cited, 120
- Governmental protection of the right to work**, 32  
 objections to, answered, 33-36
- Grau San Martín, Ramón, 91
- Greer, Guy, 38
- Grotius, Hugo, 84, 113
- Gurvitch, Georges, 16
- Hall, Dominick A., 105
- Hanke, Lewis, 83
- Haya de la Torre, Victor Raúl, 90, 91
- Heineccius, Johann Gottlieb, 84
- Helvétius, Claude Adrien, 84
- Himmler, Heinrich, 92
- HISTORICAL BACKGROUND OF INTERNATIONAL PROTECTION OF HUMAN RIGHTS**, Edwin Borchard, 112-117
- Hitler, Adolf, 7, 90, 92
- Hobbes, Thomas, 77
- Holdsworth, William, 101
- Hollingsworth, Mrs. M., 87
- Holmes, Oliver Wendell, 112
- Housing  
 government responsibility for, 44-45  
 poverty of, in Latin America, 92-93
- Howard, Pendleton, cited, 104
- Hu Shih, 18
- Hudson, Manley O., 18
- Hull, Cordell, 114
- Human rights**  
 as affected by change of sovereignty, 130-132  
 civil rights, 13, 18-23, 26, 51-52, 96-99  
 dangers to  
   in Chinese draft constitution, 75-76  
   in complex civilization, 66  
   in popular lack of appreciation of, 58  
 defined, 30, 53  
 internationally, 118-119  
 dictatorship hostile to, 47, 57-58, 92
- economic and social rights**  
 education, 22-23, 40-41  
 enumeration of, 14-15  
 food, 24, 43-44  
 housing, 24, 44-45  
 justice of, 14, 15, 142

- national and international provisions for, 22-25, 27-28  
 necessitated by industrialization, 27, 28-30, 35, 45, 66  
 public insistence on, 28, 36  
 social security, 24-25, 45-46, 57  
 work and conditions of work, 5, 23-24, 31-39, 41-43
- enforcement of, 52, 96-99, 126-127, 142-143  
 equality of men, 63-64  
 assured in minorities treaties, 125-126  
 exercise of, limited by rights of others, 26, 48-49  
 freedom of assembly and association, 19-20  
 freedom of communications including travel, 131, 135-136  
 freedom of religion, 18-19  
 guaranteed but not enforced in Latin America, 93  
 in relation to  
   Christianity, 54-55, 82-84  
   Islamic law, 77-81  
   Roman law and its derivatives, 53-58  
 inherent in human nature, 11-12  
 interdependence of, 5, 30-31, 47  
 life expression and expansion, 12  
 lists of, 14-15, 18-26, 51, 57, 96-97  
 negative concept of, 15, 33, 65, 96  
 political rights, 13  
   do not imply right to destroy one's government, 48-49  
   nationality, 130-131  
   participation in government, 25-26, 47-49, 64-65  
 recognition of  
   basic to peace, 6-7, 10, 11, 53  
   by Catholics, 82-84  
   evolution of, 53-58, 60-65  
   in China, 67  
 scientific rights, 15-16  
 statement of, 18-26, 40-46  
 under minorities treaties, 125-127  
 versus subordination to the state, 53, 141  
*See also* Latin America
- HUMAN RIGHTS ARE BASIC TO SUCCESS OF UNITED NATIONS**, Henri Bonnet, 6-7
- HUMAN RIGHTS AS A CONDITION OF PEACE IN THE FAR EAST**, Carlos P. Romulo, 8-10
- HUMAN RIGHTS IN ENGLAND AND THE UNITED STATES**, William Draper Lewis, 60-66
- HUMAN RIGHTS IN ISLAM**, Majid Khadduri, 77-81
- HUMAN RIGHTS IN LATIN AMERICA**, Ciro Alegria, 87-95
- HUMAN RIGHTS IN MANDATED TERRITORIES**, William E. Rappard, 118-123
- HUMAN RIGHTS IN ROMAN LAW COUNTRIES**, Charles de Visscher, 53-59
- HUMAN RIGHTS IN THE CULTURAL TRADITION OF SPANISH AMERICA**, Victor Andrés Belaúnde, 82-86
- HUMAN RIGHTS IN THE UNITED NATIONS CHARTER**, Edward R. Stettinius, Jr., 1-3
- Ibáñez del Campo, Carlos, 85  
 Illiteracy in Latin America, 92  
 Industrialization necessitates recognition of economic and social rights, 27, 28-30, 35, 45, 66  
 Infant mortality in Latin America, 93  
 Inter-American conferences: expressions of, re protection of human rights, 139-141
- INTERNATIONAL AGREEMENTS CAN PROTECT SPECIFIC RIGHTS**, Roger N. Baldwin, 134-138
- International bill of rights, *see* Bills of rights  
 International law retarded by recent wars, 115-116
- INTERNATIONAL PROTECTION OF BASIC INTERESTS**, Warren A. Seavey, 50-52
- International protection of human rights  
 existing and proposed protections, 113-115  
 in Upper Silesia under League of Nations, 129-133  
 inter-American movement toward, 139-143  
 protection of citizens abroad, 114, 137  
 protection of individuals against their own state, 115-116  
 provisions for, in United Nations Charter, 1-5, 118-119  
 question as to enforcement of, 116-117, 119  
 through international agreements, proposed, 134-138  
 under minorities treaties, 113, 116-117, 124-127  
 under the mandates system of the League of Nations, 121-123
- Irigoyen, Hipólito, 85, 89  
 Isabella I of Castile (the Catholic), 82
- Jackson, Andrew, 105  
 James II of England, 61  
 Jefferson, Thomas, 1, 6, 63  
 Jellinek, Georg, cited, 12
- JENKS, C. WILFRED**, *The Five Economic and Social Rights*, 40-46
- Jenks, C. Wilfred, 18; cited, 30, 66
- John, King of England, 60, 63, 101
- Juárez, Benito P., 93
- KAECKENBEECK, GEORGES S., *Upper Silesia Under the League of Nations*, 129-133
- Kaeckenbeeck, Georges S., 129; cited, 133
- Kenworthy, Charles E., 18
- KEADDURI, MAJID**, *Human Rights in Islam*, 77-81
- Khadduri, Majid, cited, 81
- Kung-fu-tse, *see* Confucius
- Kung, H. H., 72

- Lammens, Henri, 79; cited, 80
- Lao-tzu, 67
- Las Casas, Bartolomé de, 83
- Latin America
- foreign influence in, 94-95
  - human rights
    - intellectual defense of, 84
    - juridical defense of, 83-84
    - lack of, 87, 92-93
    - obstacles and aids to, 85-86
    - promoted by Catholic Church, 82-84
    - protected in Mexico through writ of amparo, 107-111
    - need of, for foreign help, 94-95  - political character
    - as influenced by World War II, 90-91
    - democratic progress, 89-91
    - dictatorship in some countries, 91-92
    - history of, 87
    - peril of fascism, 93-94
    - stages of growth in, 84-85
- Laugier, Henri, 18
- Lauterpacht, Hersch, 16, 114; cited, 12, 104
- Legal protection of human rights
- in Islamic law, 77-81
  - in Mexico through writ of amparo, 107-111
  - in United Nations Charter, 1-5, 118-119
  - in United States Constitution, 64-65, 96-100
  - due process of law, 62-63, 97-98
  - judicial interpretation, 33-34, 62-63, 97-98
  - in various constitutions, 18-23, 25-27, 33
  - nullified in practice, 93, 134
  - relative value of constitutional protection, 112
  - under international law, 113-115
  - writ of habeas corpus
    - celebrated examples of use of, 104-106
    - history of, 101-102
    - present practice, 102-104
    - value of, 106
- See also* Bills of rights; International protection of human rights
- Levene, Ricardo, quoted, 83
- LEWIS, WILLIAM DRAPER, Human Rights in England and the United States, 60-66
- Lewis, William Draper, 18
- Liberty, *see* Human rights
- Lincoln, Abraham, 47, 105; quoted, 16
- Locke, John, 56, 112
- LOEWENSTEIN, KARL, Freedom Is Unsafe Without Self-Government, 47-49
- Loewenstein, Karl, 18
- Louallier (or Louillier), Louis, 105
- Mahindra, K. C., 18
- Mandates system
- lessons of, for international protection of human rights, 122-123
  - methods of League supervision, 121-122
  - political origin and objectives of, 119-120
- Mansfield (Lord; name, William Murray), cited, 104
- Marshall, John, 34, 62, 74
- Martens, Fredéric de, 53
- Mary II of England, 61
- Medical care, necessity for government provision of, 45-46
- Medina Angarita, Isaías, 89, 91
- MERRIAM, CHARLES E., The Content of an International Bill of Rights, 11-17
- Merriam, Charles E., cited, 12
- Merryman, John, 105
- Milligan, 105
- Minaya (Father), 83
- Minorities, protection of
- in Upper Silesia, under League of Nations, 132-133
  - political nature of League of Nations system, 124, 127
  - through minorities treaties, 113, 116-117, 124-127
- Mitre, Bartolomé, 89
- Mohammed, 77, 78, 79
- Mohammed Abduh, 80
- Montes, Eugenio, 90
- Montesinos (Father), 83
- Montesquieu (Baron de), 84
- Morris, Roland S., 18
- Mulder, John E., 18
- Mussolini, Benito, 90
- Nicolás de Obando, 82
- NOLDE, O. FREDERICK, Possible Functions of the Commission on Human Rights, 144-149
- Obregón, Esquivel, 83
- O'Brien, 105
- O'Higgins, Bernardo, 89
- PAN-AMERICAN ACTION FOR PROTECTION OF HUMAN RIGHTS, Charles G. Fenwick, 139-143
- Participation in government as a human right, 25-26, 47-49, 64-65
- Paul III (Pope), quoted, 83
- Pemán, José María, 90
- Pefiarranda, Enrique, 91
- Perón, Juan D., 92, 93
- Pius XI, cited, 27
- Pizarro, Gonzalo, 87
- POLITICAL STRUCTURE IN THE CHINESE DRAFT CONSTITUTION, Chun-Mai Carsun Chang, 67-76
- Political structure of China
- Control Yuan, 68-69
  - executive power, 71-72
  - five-power structure, 68-69
  - judicial power, 72-74
  - Legislative Yuan, 70-71

- National Assembly, 69-70
- provincial and district government, 74-75
- Population transfers, 131
- POSSIBLE FUNCTIONS OF THE COMMISSION ON HUMAN RIGHTS, O. Frederick Nolde, 144-149
- Prado Ugarteche, Manuel, 90, 91
- Price, Frank, translator, 67
- PROTECTION OF HUMAN RIGHTS UNDER THE UNITED STATES CONSTITUTION, Noel T. Dowling, 96-100
- PROTECTION OF MINORITIES AND HUMAN RIGHTS, Pablo de Azcarate, 124-128
- Public opinion
  - as basic to protection of human rights, 1, 112-113
  - in U. S., supports United Nations Organization, 50
- Pufendorf, Samuel von, 84, 113
- Rabel, Ernst, 18
- Rahim, Abdul, cited, 78
- Rajchman, Ludwik, 18
- RAPPARD, WILLIAM E., Human Rights in Mandated Territories, 118-123
- Rappard, William E., cited, 144
- Recognition of governments, basis of, 137-138
- Religion
  - Catholicism as championing human rights, 82-84
  - early Christianity as related to human rights, 54-55
  - freedom of, 18-19
  - guaranteed but not enforced in Latin America, 93
- Renan, Joseph Ernest, quoted, 77
- Reyes, Rafael, 85
- Riesman, David, Jr., 18, 33
- RIGHT TO WORK, THE, John R. Ellington, 27-39
- Roberts, Owen J., 116
- Rodell, Fred, cited, 116
- ROMULO, CARLOS P., Human Rights as a Condition of Peace in the Far East, 8-10
- Roosevelt, Franklin D., 90, 95, 113, 115, 140
  - quoted, 14
- Rosas, Juan Manuel de, 89
- Ross, E. Denison, translator, 80
- Rousseau, Jean Jacques, 84
- Royer-Collard, Pierre Paul, 56
- Ruml, Beardsley, cited, 12
- SÁNCHEZ MEJORADA, CARLOS, The Writ of Amparo: Mexican Procedure to Protect Human Rights, 107-111
- Sarmiento, Domingo Faustino, 89
- Schulz, Fritz, cited, 54
- Scrutton, Thomas Edward, cited, 105
- SEAVEY, WARREN A., International Protection of Basic Interests, 50-52
- Seavey, Warren A., 18
- Selden, John, 101
- Sereni, Angelo P., 18
- Sieyès, Emmanuel Joseph, 57
- Slavery
  - early Christianity in relation to, 55
  - in Spanish America, abolished, 82
  - status of slaves in the Roman Empire, 54
- Social security as a human right, 24-25, 45-46, 57
- Socrates, 35
- Solórzano Pereira, Juan de, 83, 84
  - cited, 82
- Somerset, James, 104
- Soong, T. V., 72
- Sorel, Albert, cited, 58
- Soto, Domingo de, 83
- Stalin, Joseph, 115
- Stassen, Harold E., 137
- STATEMENT OF ESSENTIAL HUMAN RIGHTS, 18-26
- STETTINIUS, EDWARD R., JR., Human Rights in the United Nations Charter, 1-3
- Stettinius, Edward R., Jr., 113, 114
  - cited, 112
- Straus, Nathan, cited, 44
- Stressemann, Gustav, 133
- Suárez, Francisco, 83
- Sucre, Antonio José de, 88
- Sun Fo, 68, 74, 75, 76
- Sun Yat-sen, 67, 69, 70, 72, 73, 74, 75, 76
  - quoted, 68
- Tabari, al-, cited, 78
- Taney, Roger Brooke, 105
- Thomas (Saint), *see* Aquinas, Thomas
- Truman, Harry S., cited, 15; quoted, 11
- Unemployment, a threat to human rights, 5
- United Nations Charter
  - influenced by delegates from small nations, 4-5, 8-9
  - provisions in, for dependent peoples, 8-9
  - provisions in, for human rights, 1-5
  - should not include requirements for education or economic security, 51
  - stronger than Dumbarton Oaks Proposals, 1, 4-5
- United Nations Organization
  - popular support of, in U. S., 50
  - positive character of, 50-51
- UPPER SILESIA UNDER THE LEAGUE OF NATIONS, Georges S. Kaeckenbeeck, 129-133
- Uriburu, José Francisco, 89, 92
- Vargas, Getúlio, 91
- Vattel, Emmerich von, 113

- Vidaurre, 84  
VISSCHER, CHARLES DE, Human Rights in Roman Law Countries, 53-59  
Vitoria, Francisco de, 83, 113
- Wang Ching-wei, 72  
Weill, Paul, 18  
Wilckin, Ulrich, quoted, 35  
William III, Prince of Orange, 61  
Willkie, Wendell, 136  
Wilson, Woodrow, 120  
Wolfe Tone, 104, 105  
Wolff, Christian, 113  
Work, *see* Employment

- Wright, Quincy, 18  
cited, 12, 81, 120  
WRIT OF AMPARO, THE: MEXICAN PROCEDURE TO PROTECT HUMAN RIGHTS, Carlos Sánchez Mejorada, 107-111  
WRIT OF HABEAS CORPUS, THE, Charles E. Wyzanski, Jr., 101-106  
Wunderlich, George M., 18  
WYZANSKI, CHARLES E., JR., The Writ of Habeas Corpus, 101-106  
Wyzanski, Charles E., Jr., cited, 65
- Zavala Vallado, Silvio, cited, 83  
Zumárraga, Juan de, 83